

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No. : 10/072,707  
Applicant : Alain Houle et al.  
Confirmation No. : 1909  
Filed : February 5, 2002  
TC/A.U. : 2613  
Examiner : Kim, David S.  
Customer No. : 27896  
Docket No. : 0370.0723C (formerly CISCP730)  
Title : Integration of WDM Channels with Disparate Bit Rates

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Declaration of Gary T. Aka in Support of Petition to Revive**

Sir:

I hereby declare as follows:

1. I am Gary T. Aka, a patent attorney who was tasked to prosecute the above-identified application.
2. At the time that the last office action in this case was received, I was solely responsible for the prosecution for the above-identified patent application. This patent application was one of many patent applications owned by Cisco Technology, Inc. ("Cisco"), for which I was responsible.
3. These Cisco cases had been transferred from another law firm in 2005 when my current firm started. At that firm three patent practitioners including myself drafted and prosecuted patent applications for Cisco. When that law firm ceased operations, the cases, which numbered in the hundreds, both closed and pending cases, were transferred to my firm.
4. At my firm there were originally two of us who worked on these cases. In early 2007 the second person left the firm, and from that point forward, I alone handled the Cisco cases. These cases formed a significant portion of my practice. These cases

included the prosecution of previously filed patent applications and the preparation of new patent applications.

5. Due to the number of filed Cisco cases, the work load from these cases gradually increased as the examination of more and more of the transferred patent applications began. I was solely responsible for responding to the large number of office actions for these patent applications.

6. I have a set procedure for handling incoming office actions. When I receive an office action, the office action is first docketed in a computer-based docketing system and matched with the appropriate case. I then place the case into a particular one of numerous stacks in my office, with the intention to review and respond as appropriate to that office action. Despite the procedures I had in place and due to the volume of responses I was responsible for, I failed to respond to the office action in the above-identified case. In short, I became overwhelmed by the volume of incoming cases and, despite a clear intention to respond to all office actions for which I was responsible, I was unable to respond to all of the office actions. Consequently, some applications for which I was responsible, including the present application, became abandoned.

7. I never intended to abandon this application. I never received any instructions or other indication from Cisco that this application should be abandoned.

8. I never informed or notified Cisco that this application was abandoned.

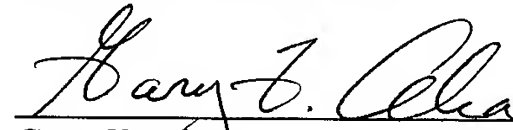
9. At this point, this application has been transferred to a new firm, Edell, Shapiro & Finnan LLC, for handling. The entire delay from the due date for the reply to the outstanding office action in the present case until the transfer of this case to Edell, Shapiro & Finnan was unintentional.

10. I believe the petition for revival for unintentional abandonment pursuant to 37 C.F.R. § 1.137(b) should be granted. I am available to provide any further details regarding the facts concerning the delay in support of this petition.

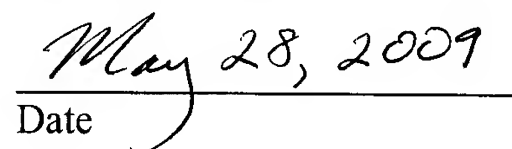
11. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further

that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Gary T. Aka", written over a horizontal line.

Gary T. Aka  
Reg. No. 29,038

A handwritten date "May 28, 2009" written in cursive script over a horizontal line.

Date